

REMARKS

Reconsideration of the first Office action and allowance of the present application are respectfully requested in view of the foregoing amendments and the following remarks. Considering formal matters initially, applicant notes that the examiner has accepted the substitute drawings and is still considering applicant's IDS. With respect to the rejections under 35 U.S.C. § 112, applicant notes that the examiner has rejected claims 1, 2, 12 and 17 under 35 U.S.C. § 112, second paragraph, as being indefinite. The examiner states that certain limitations in claims 1, 2, 12 and 17 were not included. Most of those terms refer to the construction of the bicycle, and by this amendment, have now been included in the preamble. Accordingly, applicant requests that the examiner withdraw the 35 U.S.C. § 112 rejection.

Claim Rejections – 35 U.S.C. § 102

Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Stowe (5,039,120). The examiner states that Stowe teaches a hitch assembly for mounting on a bicycle for connection to the tongue of a trailer and that the hitch assembly includes a hitch unit 23 mounted to the bicycle above its rear wheel, rotatable about a substantially vertical first pivot axis, wherein the hitch unit is adapted for connection to the trailer's tongue to enable the tongue to pivot about a substantially horizontal pivot axis. The examiner notes further that there is a support structure at 21, 22, 28 and 41 connected to the bicycle for mounting the hitch unit above the rear wheel so that the first pivot axis is maintained substantially vertical and that there is a stabilizer 50 detachably connected to the hitch unit 23 in the bicycle to permit movement of the hitch unit relative to the frame

and the seat of the bicycle and the support structure includes a wheelstay assembly adapted for pivotal connection to a skewer extending through the rear hub/axle assembly of the vehicle. The examiner lastly notes that the member 50, referred to by the examiner as a "stabilizer," includes a strut member 51 pivotally connected to the wheelstay assembly and adapted for detachable and pivotal connection to the bicycle.

In response, applicant advises that it has amended claim 1 so that the preamble recites that applicant's hitch assembly is for use on a bicycle having a frame, a seat mounted on a seat post, front and rear wheels and a rear hub/axle. Accordingly, it is submitted that the rejection based on § 112 should be withdrawn. Claim 1 has been further amended so that the stabilizer recited in the claim, indicated at 96 in the drawings, is recited as being pivotally connected to the hitch unit, such as indicated at 68 in Fig. 2 of applicant's drawings. Applicant submits that claim 1 is not anticipated by Stowe. First of all, it should be noted that the towing apparatus as described in Stowe is very different from applicant's invention. The structure indicated by the examiner as "stabilizer 50" does not correspond to applicant's stabilizer or strut member 96. As shown in Figs. 1 and 2 of Stowe, a tube 30 is connected to and extends from a post 12 of bicycle seat 14 to a transverse plate 28 which is connected by means of bolts 27 to the upward ends of opposed extending arms 21 and 22 of a wheelstay. Applicant's invention, as recited in claim 1 includes a stabilizer or strut member 96 which is detachably and pivotally connected to hitch unit 68 and to the bicycle itself. That construction permits movement of the hitch unit relative to the frame and seat of the bicycle. It is clear from a viewing of

Figs. 1 and 2 of Stowe, that no pivot is provided between tube 30 and the bicycle nor any pivot action between the members 21, 22 and the tube. The examiner's view that Stowe shows a stabilizer 50 actually refers to a tube which extends from a tube 42, which is pivotally connected to a pin 38 mounted on tube 30, for extending to a yoke member 52. In fact, Stowe states that tube 50 has a tongue 51 (see Fig. 1), which confirms that tube 50 itself functions as a tongue, inasmuch as it interconnects the trail to bicycle with the lead bicycle. Thus, tube 50 is not an analog to applicant's stabilizer or strut member 96.

Claim 12 is Allowable

Claim 12 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Stowe. The examiner has cited Stowe as including elements applied to the claim much in the same way that Stowe was applied to claims 1-4. Applicant's comments with respect to Stowe previously made apply again; suffice it to say that claim 12 has been amended to recite that hitch unit 68 is mounted on the wheelstay assembly above the rear wheel substantially directly above the rear hub/axle assembly, and that the hitch unit is rotatable for pivoting about a substantially vertical first pivot axis aligned substantially directly above the rear hub/axle assembly. A consideration of Figs. 1 and 2 of Stowe shows that this construction simply is not present, and thus there is no anticipation. Pin 38, which is mounted to tube 30, permitting tubes 42 and 50 to rotate about a vertical axis, does not locate that vertical axis aligned substantially directly above the rear hub/axle assembly of the lead bike in Stowe.

Applicant notes with appreciation that claims 5-11 and 13-16 have been indicated as allowable by the examiner, but for the reasons specified above, applicant submits that its independent claims 1 and 12, as now set forth in the present application, are allowable, as well as those claims dependent therefrom.


The examiner stated that claim 17 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112 second paragraph, and applicant has amended claim 17 in accordance with the examiner's suggestion.

Applicant has studied the remaining references cited by the examiner, but none are deemed to anticipate or render obvious applicant's claims 1-17 in the present application. Accordingly, applicant requests that the present application be forwarded to allowance. If the examiner wishes to discuss anything further, applicant's undersigned counsel is available at the examiner's convenience.

Applicant respectfully requests that a Notice of Allowance be issued in this case forthwith.

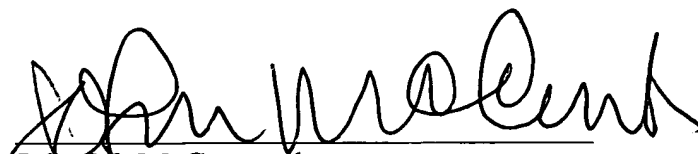
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